

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**JOHNATHAN YASEVICH, et al., Each
Individually and on Behalf of All Others Similarly
Situated**

PLAINTIFFS

**THE HERITAGE COMPANY, INC.,
and SANDRA FRANECKE**

DEFENDANTS

MOTION FOR CONTINUANCE

COMES NOW Defendants, The Heritage Company, Inc. (hereinafter referred to as “THC”) and Sandra Franecke (hereinafter referred to as “Franecke”) and sometimes collectively referred to as “Defendants”, by and through their attorneys, the Davidson Law Firm, and for their Motion for Continuance, state:

1. That this matter is set for trial the week of December 11, 2023. Defendants are requesting a continuance of the trial due to the unavailability of a key witness.
2. Defendants learned yesterday that Jennifer Franecke, Heritage’s former Chief Strategy Officer, will be unavailable to give testimony on the week of December 11, 2023. Jennifer Franecke is a key witness whose testimony is necessary for the Defendants to put on their defense. An affidavit of portions of Ms. Franecke’s proposed testimony can be found as Exhibit 1 to Document 66.
3. Jennifer Franecke’s absence is due to her just giving birth to a premature child. The child requires his mother’s constant care and attention during this fragile time in his life to ensure his growth and development occurs as directed by his doctor and in order to respond to any health issues that may arise. Jennifer Franecke’s inability to attend the trial in this matter will extend

beyond the week of December 11, 2023, but there will be no issues procuring her appearance in the months to follow after the baby has had time to develop.

4. This matter is set for a settlement conference to occur before Magistrate Judge Kearney on December 5, 2023. The Defendants do not request a postponement of the settlement conference and can move forward with the negotiations at the settlement conference without Jennifer Franecke.

5. Defendants have conferred with counsel for Plaintiffs. Plaintiffs' Counsel has indicated that they have no objection to this continuance under the circumstances.

6. That Local Rule 7.5 of the United States District Court for the Eastern District of Arkansas states that in no case will an agreement by counsel for a continuance be recognized except by consent of the Court.

7. That the Defendants believe they have demonstrated good cause and believe the Court should consent to the continuance. That the parties will confer on potential new dates for the trial to occur and provide these dates to the Court.

WHEREFORE, the Defendants pray that the Court grant their Motion for Continuance; and for all other just and proper relief to which they are entitled.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I, Nickolas W. Dunn, do hereby certify that I have sent via:

- Hand Delivery
- Telefax
- Electronic mail
- U.S. Mail
- U.S. Mail, Certified, Return Receipt (as noted below)
- STATE CM/ECF System
- Federal Court ECF System (as noted below)

this **28th** day of **November 2023**, a true and complete copy of the forgoing to the following individuals:

Josh Sanford
Sean Short
SANFORD LAW FIRM, PLLC
650 S. Shackleford, Suite 411
Little Rock, Arkansas 72211

Nickolas W. Dunn